

Chapter 14.12

FEES, RATES AND DEPOSITS

(674-12/57, 723-6/59, 738-12/59, 751-4/60, 792-10/60, 892-4/62, 1001-10/63, 1100-12/64, 1217-7/66, Urg 1343-A-8/67, 1344-9/67, 1901-4/74, 1927-8/74, 1996-8/75, 2020-12/75, 2022-1/76, 2205-7/77, 2218-11/77, 2400-11/79, 2535-3/82, 2589-1/83, 2709-6/84, 2826-5/86, 2948-8/88, 3119-7/91, 3302-11/95, 3404-10/98, 3496-5/01, 3743-08/06, 3795-1/08, 3905-1/11)

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14.12.010 Service fee. For uses zoned commercial or industrial, the Water Department, as a condition to granting the application and furnishing water service to the premises, is authorized to charge and shall collect in advance the following sums for the purpose of reimbursing the City for the cost of the system and future replacements and extensions thereof: (3302-11/95)

- (a) The sum of sixty dollars (\$60) for each usable unit on parcels containing less than ten thousand (10,000) square feet.

A "usable unit" shall be each residential quarter in hotels and motels. (3302-11/95)

- (b) For any parcel containing ten thousand (10,000) square feet of area or more, three hundred dollars (\$300) per acre or fraction thereof, or sixty dollars (\$60) per usable unit, whichever is greater. (3302-11/95)

A "usable unit" shall be any unit defined in subsection (a) above. The charge of three hundred dollars (\$300) per acre shall apply to all commercial and manufacturing developments. (3302-11/95)

- (c) Those areas served by a water main constructed and charged as determined by another ordinance or executed agreement may be exempt from the usable unit charge in subsection (a) if said other ordinance or agreement charge is greater than the charge per subsection (a). (3302-11/95)

- (d) All necessary service fees established by the City shall be deposited with the City prior to approval of the final subdivision map or issuance of a building permit if a subdivision map is not required. (674-12/57, 723-6/59, 1001-10/63, 1100-12/64, 2022-1/76, 2535-3/82)

For uses zoned other than commercial or industrial, the Water Department, as a condition to granting the application and furnishing water service to the premises, is authorized to charge and shall collect in advance the Capital Facilities Charge for the purpose of reimbursing the City for the cost of the system and future replacements and extensions thereof. The Capital Facilities Charge is based on the cost per equivalent dwelling unit (EDU) of existing facilities and the proposed expansion facilities which shall be set by a resolution of the City Council. All monies collected as the Capital Facilities Charge shall be used for water projects that are consistent with the goals and objectives of the 2005 Water Master Plan but which projects are specifically identified in a resolution, and any amendment thereto, adopted by the City Council. (3302-11/95, 3496-5/01, 3743-8/06)

14.12.020 Installation and meter fees. In addition to the fee set forth in Section 14.12.010(a), the Water Department shall charge and collect in advance the following amount for the installation of water connections and meters: a sum equal to the actual cost of labor and material in laying such service line, including the cost of the meters, the cost of replacing pavement, plus fifteen (15%) percent for overhead. The cost of such installation shall be estimated by the Water Department, and such estimated cost shall be paid by the applicant to the Water Department before the work of connecting the main with the property is commenced. Whenever the estimated cost is not sufficient to cover the total expense for labor, material, meters and overhead, the deficit shall be charged to the property for which such installation was made and paid by the owner thereof. Any excess payment shall be returned to the person applying for installation. (674-12/57, 1996-8/75)

14.12.030 Installation by applicant. The Water Superintendent may in his discretion authorize an applicant to make the installation at applicant's own cost, and in conformity with the specifications set forth by the Water Department. (674-12/57)

14.12.040 Water rates--Designated. The water rates to be charged monthly and collected monthly or bimonthly, as may be determined by the City, shall be set by a resolution of the City Council.

A Capital Surcharge to be charged monthly as may be determined by the City shall be set by resolution of the City Council. All monies collected as the Capital Surcharge shall be used for water projects that are consistent with the goals and objectives of the Water Master Plan adopted by the City Council. (3302-11/95, 3496-5/01, 3743-8/06, 3796-1/08)

The water rates, plus a ten (10%) percent surcharge, shall be applicable to areas outside the boundaries of the City of Huntington Beach, wherever the City serves water, including Sunset Beach, an unincorporated area, and Surfside, located within the City of Seal Beach. (674-12/57, 751-4/60, 892-4/62, 1100-12/64, 1217-7/66, Urg 1343-A-8/67, 1344-9/67, 1901-4/74, 1996-8/75, 2205-7/77, 2218-11/77, Urg 2709-6/84, 2826-5/86, 2948-8/88, 3119-7/91)

14.12.045 Water rates--Budget. It shall be the policy of the City that a balanced budget shall be maintained for the water fund. Pursuant to Section 602 of the Charter of the City of Huntington Beach, the City Administrator shall be required to submit said water fund budget in a balanced condition to the City Council, together with the other budget submittals. The water rate adjustment necessary to maintain a balanced budget shall be incorporated as part of the annual budget which shall modify the rates as set forth in Section 14.12.040 of the Huntington Beach Municipal Code upon adoption of the budget. For the purpose of this Section, "balanced budget" shall mean that total appropriations for operating expenses do not exceed total estimated revenues in the annual budget of the water fund.

Operating expenses shall include appropriations for the depreciation cost of those capital improvements customarily provided for in the operating budget and in accordance with generally accepted accounting principles. Revenues shall exclude bond proceeds, if any, but include interest earnings and other nonoperating revenue in accordance with generally accepted accounting principles. (Urg 2709-6/84)

14.12.050 Water rates--Construction purposes. All construction water shall be taken from existing outlets designated by the Water Department or from special outlets installed at the expense of the consumer. If in the determination of the Water Department, the setting of a meter is impracticable or uneconomical for the supply of construction water, the charge for such unmetered water shall be set by a resolution of the City Council. (674-12/57, 792-10/60, 1996-8/75, 2535-3/82, Urg 2709-6/84, 2948-8/88)

14.12.060 Water rates--Other uses. Water used for any purpose not hereinbefore enumerated, or for schools, hospitals and similar uses, shall be furnished and charged for either at meter rates or at a special rate to be fixed by the City Council under separate agreement with the consumer. (674-12/57)

14.12.070 Private fire service rates. The monthly rate for private fire service protection shall be set by a resolution of the City Council. (674-12/57, 751-4/60, 2948-8/88)

14.12.090 Water service--Applications. All applications for water must be made out on forms provided by the Water Department and must be signed by the applicant or his or her agent.

All applicants must deposit with the Water Department a fee established by resolution of the City Council as a guarantee that all water bills, fines and penalties shall be paid by the applicant. The City Treasurer shall waive the deposit upon a showing of creditworthiness by the applicant as determined by the City. (3404-10/98)

The deposit shall be returned to the applicant, without interest, at the time water service is discontinued provided that applicant has not left unpaid any water bill, fine or penalty. Such unpaid water bill, fine or penalty shall be deducted from the applicant's deposit and the balance thereof, if any, shall be refunded to the applicant at his or her last known address. (674-12/57, 2020-12/75, 2508-11/81, 3404-10/98)

14.12.100 Water service--Turn-on charges. No charge shall be made for the transfer due to change of ownership or occupancy.

Where the owner or occupant requests temporary turnoff of water service, a charge of five dollars (\$5) shall be made for restoring the water service to the premises. (697-12/57, 1996-8/75)

14.12.110 Water rates--Turn on. Whenever the distribution line of the municipal water system shall be duly connected with the premises of any person, and the water turned on such premises, the charge for water shall be a charge against the person in possession of the premises who used the water, and the charges shall continue so long as the water is turned on to the premises, whether the same is actually used or not. (674-12/57)

14.12.120 Water billing. All water bills are due upon presentation and are payable at the Office of the Treasurer of the City of Huntington Beach, or in a method and at locations designated by the City Treasurer. Bills are deemed presented if: 1) addressed to the water customer at the address shown on the records of the City Treasurer and deposited with the United States mail service, postage prepaid; or 2) the statement or notice of the statement is sent electronically to the customer using e-mail or another approved format that has been authorized by the customer in the records of the City Treasurer. Accounts which remain unpaid thirty (30) days following presentation of the bill, or unpaid after the due date and time on the statement, whichever is earlier, are delinquent. All delinquent accounts shall be charged a late fee as set by a resolution of the City Council to recover billing and mailing costs. A delinquent notice shall be delivered to each delinquent account (by mail or electronically) specifying a date by which full payment is due to avoid shut-off of water service. Said notice shall include a late fee, as set by resolution of the City Council, imposed to recover costs associated with the delinquent notice.

Water service for delinquent accounts shall be shut off until all outstanding bills, fees, utility taxes and penalties have been paid. When the supply of water has been shut off for nonpayment or a violation of any ordinance or of any rule or regulation, service shall not be resumed until a turn-on fee, as set by resolution of the City Council, and all delinquent balances have been paid. (674-12/57, 1996-8/75, 2400-11/79, 2589-1/83, 3905-1/11)

14.12.130 Vacating premises. Whenever a consumer shall vacate any premises, he shall immediately give written notice thereof to the Water Department. Upon the receipt of such notice, the department shall read the water meter, shut off the water from the premises and immediately present the consumer all unpaid bills for water furnished by the City to him up to that time. Thereupon the consumer shall pay said bills to the Water Department. In the event that the consumer shall have made a deposit with the department, as required in Section 14.12.090, the balance, if any, of such deposit shall be returned to the consumer after deducting therefrom the amount of said bills. Until such notice and payments shall have been made, the premises shall be deemed occupied by the consumer and his liability continued. (674-12/57)

14.12.140 Change of address. Failure to receive mail will not be recognized as a valid excuse for failure to pay water rates when due. Change in occupancy of property supplied with City water, and changes in mailing addresses of consumers of City water must be filed in writing at the Water Department on forms provided for that purpose. (674-12/57)

14.12.150 Renewing service. Each owner or occupant of any premises previously connected with the City water system desiring to renew the use of water shall make application for renewal of water service and upon payment of all unpaid charges, if any, together with any turn-on charge imposed by Section 14.12.100, the water will be turned on. (674-12/57)

14.12.160 Adjustment of rates. The Council shall have the sole power to grant rebates from the rates specified in this chapter to indigent persons, and in the event of any dispute as to the water rate to be paid by any consumer, it shall determine the same. (674-12/57)

14.12.170 Water fund. All moneys collected from fees and charges under Chapters 14.04 through 14.20 of the Huntington Beach Municipal Code shall be deposited in the treasury of the City in a water fund and annually there shall be disbursed from said water fund to the general fund, an amount equal to fifteen (15%) percent of the gross revenue received from the sale of water by the Water Department in lieu of franchise and property taxes. (738-12/59, 1927-8/74)